

REMARKS/ARGUMENTS

This paper is submitted in response to the non-final Office Action mailed on August 23, 2006. At that time, claims 1-53 were pending in the application. In the Office Action, the Examiner objected to the drawings. The Examiner also rejected claims 1-3, 12-14, 33, 35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,224,093 issued to Ochiai et al (hereinafter "Ochiai"). Claim 48 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2001/0054812 to Sinnhuber. Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of U.S. Patent No. 6,047,987 issued to Cart (hereinafter "Cart"). Claims 4-9, 15, 22-26, 29-31, 41 42 and 45 were Rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of U.S. Patent No. 5,069,477 issued to Shiraki (hereinafter "Shiraki").

As a result of this paper, claim 48 has been cancelled. Accordingly, the rejection of this claim is moot. This paper has also amended independent claims 1, 24, 33, and 41. In light of these changes and the present remarks, withdrawal of the above-referenced rejections is respectfully requested.

I. Drawings

In the Office Action, the Examiner objected to the drawings on grounds that the submitted drawings fail to disclose all of the features of the claims. Specifically, the Examiner asserts that the feature that the airbag cushion contacts a vehicular steering column, as recited in claims 13, 33, and 48, is not shown in the drawings. As a result of this paper, these claims have been amended to remove this feature. Accordingly, these claims do not recite that the cushion contacts the steering column.

As a result of the present paper, Applicants submit that all of the features of the present claims are shown in the drawings. Withdrawal of this drawing objection is respectfully requested.

II. Rejection of Claims 1-3, 12-14, 33, and 35 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3, 12-14, 33, and 35 under 35 U.S.C. § 102(b) as being anticipated by Ochiai. This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

In the present case, independent claims 1 and 33 have been amended to further recite “trim that covers the reaction surface when the airbag cushion is undeployed and wherein the trim contacts the reaction surface when the airbag cushion is deployed.” Support for this claim element is found throughout Applicant’s specification and is illustrated in Figures 2B and 2C of the Figures. Such a claim element is not disclosed by Ochiai. Specifically, to the extent that Ochiai teaches a “reaction surface,” this reaction surface is element 20c, which is actually a portion of the airbag cushion. *See* Ochiai, col. 4, lines 29-30. Applicants can find no teaching regarding trim that covers this “reaction surface,” or that such “trim” contacts the “reaction surface” when the airbag cushion is deployed. Thus, Ochiai fails to disclose all of the elements found in claims 1 and 33. Accordingly, Ochiai may not be used to reject independent claims 1 and 33 under § 102(b). Withdrawal of this rejection is respectfully requested.

With respect to claims 2-3 and 12-14, these claims depend from independent claim 1. Accordingly, dependent claims 2-3 and 12-14 are patentable over Ochiai for the same reasons put forth above in conjunction with claim 1. Withdrawal of this rejection is respectfully requested.

With respect to dependent claim 35, this claim depends from claim 33. Accordingly, this claim is patentable over Ochiai for the same reasons put forth above in conjunction with claim 34. Withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 34 Under 35 U.S.C. § 103(a)

The Examiner rejected claim 34 under § 103(a) as being unpatentable over Ochiai in view of Cart. This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that claim 34 is patentably distinct from the cited references. The cited references do not teach or suggest all of the elements in claim 34. Specifically, claim 34 depends from claim 33. As such, claim 34 recites that “trim that covers the reaction surface when the airbag cushion is undeployed and wherein the trim contacts the reaction surface when the airbag cushion is deployed.” As noted above, this claim element is not taught or suggested by Ochiai. Likewise, Cart fails to teach or suggest this element. Accordingly, as Ochiai and Cart fail to teach all of the elements of claim 34, this combination of references cannot be used to reject claim 34 under § 103(a). Withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 4-9, 15, 22-26, 29-31, 41 42 and 45 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 4-9, 15, 22-26, 29-31, 41 42 and 45 under § 103(a) as being unpatentable over Ochiai in view of Shiraki. This rejection is respectfully traversed.

As noted above, a claim may be rejected under § 103(a) only if all of the claim elements are taught or suggested by the cited references. In the present case, claims 4-9, 15, 22-26, 29-31, 41 42 and 45 all require that requires “trim that covers the reaction surface when the airbag


cushion is undeployed and wherein the trim contacts the reaction surface when the airbag cushion is deployed.”¹

As explained in greater detail above, Ochiai does not teach or suggest trim that covers this “reaction surface,” or that this “trim” contacts the “reaction surface” when the airbag cushion is deployed. Likewise, Shiraki fails to teach or suggest this claim element. Accordingly, this combination of references cannot be used to reject claims 4-9, 15, 22-26, 29-31, 41 42 and 45 under § 103(a). Withdrawal of this rejection is respectfully requested.

V. Conclusion

As noted above, the present claims are patentably distinct from the cited references. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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¹ This claim element is explicitly recited in independent claims 1, 24, 33, and 41. The dependent claims at issue all depend from one of these independent claims. Accordingly, all of the dependent claims, by virtue of their dependency, likewise include this claim element. Thus, all of the claims, both independent and dependent, recite “trim that covers the reaction surface when the airbag cushion is undeployed and wherein the trim contacts the reaction surface when the airbag cushion is deployed.”